Executive Director's decision upon reconsideration. The Commission will determine such appeal at a regular meeting thereafter.

[39 FR 25474, July 11, 1974, as amended at 42 FR 15311, Mar. 21, 1977; 43 FR 38816, Aug. 31, 1978; 55 FR 52168, Dec. 20, 1990; 56 FR 30502, July 3, 1991; 56 FR 37954, Aug. 9, 1991; 57 FR 60470, Dec. 21, 1992; 57 FR 59908, Dec. 17, 1992; 59 FR 11458, Mar. 10, 1994]

### § 401.36 Water pollution control projects—regional requirements.

(a) The use of regional solutions to water pollution problems, with the least number of separate treatment plants which may be efficient in the particular circumstance, is required whenever feasible. Each waste treatment project shall be submitted to the Commission not later than the completion of preliminary engineering for review of its compliance with this and other requirements of the Comprehensive Plan.

(b) In reviewing a project for compliance with this section, the Commission will consider the following matters, comparing regional versus separate treatment systems:

(1) Construction costs and economies of various scales of development.

(2) Operating costs and economies of various scales of operation.

(3) Capability of handling industrial wastes with and without pretreatment.

(4) Capability to assimilate high peak flows and temporary shock loads or emergency conditions.

(5) Space and facilities for sludge disposal.

(6) Personnel skills required and their availability for operation and supervision.

(7) Capacity to absorb growth, and the relative times required to place a separate and a regional system in operation.

(8) Desirability of the site selection alternatives for the treatment plant in view of considerations of efficiency of land use, potential service area and relative transmission distances.

(9) The effect for a reasonable distance downstream on the quality of the receiving waters.

(10) Effectiveness of the proposal in identifying all sources of pollution and in achieving a coordinated, comprehensive and orderly plan for abatement of pollution in the region.

(c) A preliminary engineering report shall accompany each application and shall include factual findings and conclusions with respect to paragraphs (b)(1) through (8) of this section.

(d) For the purpose of the regulations in this part, a *region* is defined to mean one or more drainage areas or parts thereof. A *regional solution* is one which is based upon a feasibility study of the region for which a single system of sewage collection and treatment would be physically and economically feasible.

### § 401.37 Siting studies for major electric generation projects.

(a) An application under section 3.8 of the Compact for approval of an electric generating project with a design capacity of 100,000 KW or more shall include as part of the application: (1) A master siting study, (2) a site selection analysis for the project, and (3) the environmental statement otherwise required.

(b)(1) The master siting study shall describe in general terms all existing major electric generating projects of the applicant and of other public utilities using the water resources of the basin, and all such projects proposed or planned for the ensuing 15-year period. The master siting study shall describe particularly the impact of each proposed project on the water resources and related land resources of the basin. It shall include, with as much detail as is available, a description of the five-mile reach of any stream within which each proposed project is or will be located, the concept, capacity and fuel source of each project, the quantity and method of heat and moisture dissipation, the water resource requirements and water-related ecological effects of each proposed project in the study.

(2) The master siting study will be reviewed by the Commission in relation to the Comprehensive Plan, may be employed as an input to the Comprehensive Plan, and may be considered, in whole or in part, for inclusion in the Plan. A master siting study may

be amended from time to time to reflect changing power demands, technology and water resource conditions. The Commission will act in relation to a master siting study or amendment thereof only after public hearing.

(c) The site selection analysis shall demonstrate the relationship of the proposed project, and its specific location, to the master siting study. Prior to submitting the site selection analysis, the applicant shall circulate it for comment among other interested public utilities, the Federal and State governmental agencies having jurisdiction over the siting of electric generating stations in the State in which the project is located, regional or county planning commissions having jurisdiction in the project area, and such major water users as the Commission shall designate, and such comments shall be appended to and submitted together with the application. Prior to acting on the application, the Commission will make the site selection analysis available for public review and comment.

(d) The Commission will review each application for a major electric generating project with reference to the doctrine of equitable apportionment, including such priority of uses as will recognize alternative water resources and sites for electric generating projects, the increasing demands on the water resources of the basin and the optimum beneficial use of the water resources of the basin.

(e) The Commission will not act upon an application for approval under section 3.8 of the Compact to initiate a partial or preliminary phase of an electric generating project which is subject to the regulations in this part unless the application conforms to requirements of paragraph (a) of this section.

### § 401.38 Water supply projects—conservation requirements.

Maximum feasible efficiency in the use of water is required on the part of water users throughout the basin. Effective September 1, 1981 applications under section 3.8 of the Compact for new water withdrawals subject to review by the Commission shall include and describe water conserving practices and technology designed to minimize the use of water by municipal, industrial and agricultural users, as provided in this section.

(a) Applications for approval of new withdrawals from surface or ground water sources submitted by a municipality, public authority or private water works corporation whose total average withdrawals exceed one million gallons per day shall include or be in reference to a program prepared by the applicant consisting of the following elements:

(1) Periodic monitoring of water distribution and use, and establishment of a systematic leak detection and control program;

(2) Use of the best practicable water conserving devices and procedures by all classes of users in new construction or installations, and provision of information to all classes of existing users concerning the availability of water conserving devices and procedures;

(3) A contingency plan including use priorities and emergency conservation measures to be instituted in the event of a drought or other water shortage condition. Contingency plans of public authorities or private water works corporations shall be prepared in cooperation with, and made available to, all municipalities in the area affected by the contingency plan, and shall be coordinated with any applicable statewide water shortage contingency plans.

(b) Programs prepared pursuant to paragraph (a) of this section shall be subject to any applicable limitations of public utility regulations of the signatory party in which the project is located.

(c) Applications for approval of new industrial or commercial water withdrawals from surface or ground water sources in excess of an average of one million gallons per day shall contain (1) a report of the water conserving procedures and technology considered by the applicant, and the extent to which they will be applied in the development of the project; and (2) a contingency plan including emergency conservation measures to be instituted in the event of a drought or other water shortage. The report and contingency plan estimate the impact of the water